Democratic Republic of Timor-Leste

COUNTRY REPORT

Timor-Leste became the world’s First Independent State of the 21st Century On 20th May 2002.
Democratic Republic of Timor-Leste

- Population is 924,642 (Census 2004)
- 60% of our population are children under 18. (Census 2004)
- % Annual population growth rate 4.9
- Fertility Rate 7.6 children per woman
- Maternal Mortality rate 800 per 100,000
- Infant mortality rate is estimated at 88 per 1,000 live births.
- Under 5 mortality rate is estimated at 125 per 1,000 live births
Democratic Republic of Timor-Leste

- A Centralised government structure
- 13 District Administration Offices and District Administrators
- 63 Sub Districts,
- and 435 Sucos (village)
- 90% of the population live in rural and remote areas.
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• The Constitution Of Timor-Leste entered into force on 20th May 2002 and is considered as the highest law of the country.

• Section 18 of the Constitution on child protection states that:
  – Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.
  – Children shall enjoy all rights that are universally recognised, as well as, all those that are enshrined in international conventions normally ratified or approved by the State
  – Every child born in or outside wedlock shall enjoy the same rights and social protection.
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The applicable laws on protection of children in Timor-Leste, listed in the order of their hierarchy, are:

- The Constitution of Timor-Leste;
- UN Convention on the Rights of the Child and other International Laws on Human Rights and Juvenile Justice;
- Républica Democrática de Timor-Leste (RDTL) Laws relating to children (currently in the development process);
- UNTAET Regulation 2000/30, rev. 2001/25, Rules of Criminal Procedures (insofar as it has not been replaced or superseded by RDTL Laws); and
- Indonesian Laws prior to October 1999 insofar as the provisions are not covered by UNTAET Rules of Criminal Procedures and are not inconsistent with international laws.
ALTERNATE CARE of Separated Children

- The Governments of Timor-Leste and Indonesia agreed to the resettlement and a return plan proposed by UNHCR of persons displaced in 1999.
- Amongst these displaced people were 4346 separated children.
- At the time of handover of the UNHCR Separated Children program in December 2004 there were 99 cases of Separated Children unresolved, and durable permanent solutions are needed for a further 1156 cases.
- A MOU on Separated Children was signed by Timor-Leste and Indonesia in December 2004. This program is ongoing.
Adoption

- Adoption of children in Timor-Leste occurs through traditional cultural practices, with very few adoptions being referred through the formal legal process.
- The term “adopted” is also used to describe children who live with people other than their parents.
- Draft Adoption Regulations have recently been completed.
Institutional Care of Children
Policy and Procedures BACKGROUND

Institutions have historically been the only social welfare net for children after the extended family;

The use of Institutions is directly related to:
- The poor quality of and access to education
- Attitudes, practices & beliefs about children & families who live in impoverished circumstances;
- Beliefs that moral education and discipline of children are better offered in Institutional Care.
- The need for older children from rural areas to attend secondary school.
Institutional Care of Children
Policy and Procedures BACKGROUND

- Research 2001 “Assessment of the Situation of Separated Children and Orphans in East Timor”, UNICEF, Timor-Leste and IRC.
- Consultations/field trips/workshops held during 2002;
- Drafting of Policy & Procedures 2002/2003;
- Government approval ‘in principle’, awaiting formal adoption.
- 2005 Socialisation of Policy throughout the Country
- 2005 Policy being written into a Decree Law
Some Current Concerns

- Occasional donor reports of assistance being misused,
- Organisations soliciting families for names of children for possible placement in institutions which are to be constructed in the future.
- Anecdotal reports and evidence of some institutions inflating records to increase external support.
- Substandard conditions in many institutions – physical, nutritional, hygiene, etc.
- Apparent growth in numbers of institutions: from an estimated 34 to 46 in the 3 years 2000-2003 (up 34%)
- Apparent growth in numbers of children: from an estimated 1250 to 2500 in the 3 years 2000-2003 (up 100%)
- Too many reports of parents capable of caring for their children surrendering them to the care of institutions.
- There is no current regulation or system to monitor placement or the circumstances of children who are placed in institutions, thus leaving children open to trafficking, exploitation and abuse.
Contents of Policy and Procedures

- Definitions
- Policy (Principles)
- Regulations
- Registration Procedures
- Standards
- Placement Procedures
- Case Management Procedures
- Monitoring Procedures
- Summary of Procedures
- Documentation (Placement, Registration and Licensing forms)
**Definitions**

**CHILD CARE CENTRE**  An institution that provides accommodation and care for children who have one or more of the following backgrounds:

- Orphans
- Single Parent (father and/or mother) from poor family
- Separated children
- Neglected children
- Children who suffer from domestic violence or child abuse
- Children from homes where parents are unable to care for them due to ill health or poverty.
BOARDING HOUSE  An institution that provides accommodation with a primary objective of imparting an integral education:

- Open for children 13 years and above, with the objective of achieving an education, enabling a good future for themselves, including a balanced intellectual, social and spiritual development
- For children of Primary, Junior High and Senior High Schools, and University students.
Assessment and Placement

An assessment must be conducted for every child admitted to residential care, and the child’s details entered onto a Register.

For Child Care Centres, placement will depend upon whether the assessment results in a recommendation for placement.

Appropriate records for all children are to be maintained by the institution.
Minimum Standards

Care Provisions

• home visits/family contact
• medical/dental services (including on-site first aid)
• education services
• clothing, nutrition, supervision & safety
• work requirements of child/age

Staffing

• numbers, roles, experience, attitudes, etc
Minimum Standards

Physical Standards

- standard of buildings
- provisions of beds, storage, study area, bathroom/toilet facilities, etc
- kitchen/dining facilities, hygiene of food storage/preparation areas, etc
- play/recreation areas (inside/outside)
Licensing Requirements for Institutions

1. Institutions must have:
   - a statement of objectives of the organisation
   - a clearly defined purpose and target group of children they care for
   - documented the programs they will/do provide (education, health, recreational, reintegration)
   - evidence of ownership of the land/property
   - a demonstrated ongoing financial capacity to operate.
   - And met the requirements of the physical and care STANDARDS